

In the District Court of the Fourth Judicial District of the
State of Utah in and for Utah County.

Provo Reservoir Company,
a corporation, Plaintiff,
vs.
Provo City, et.al., Defendants.

Case No. 2888 Civil.
Motion to Modify Proposed
Findings and Decree.

Comes now the Timpanogus Irrigation Company, a corporation,
and a defendant in the above entitled cause, and moves the honorable
Court to modify the Proposed Findings and Decree herein as follows:

I.

- (a) That the Proposed Findings be modified by adding the word
"twentieth (20th)" on the last line of paragraph -56-, page 29.
- (b) That the Proposed Findings be modified by substituting for
the heading preceding paragraph -145-, page 84, the following:

"EIGHTEENTH, NINETEENTH, AND TWENTIETH
CLASS RIGHTS."

- (c) That the Proposed Findings be modified by adding after para-
graph 147 the following:

"NINETEENTH CLASS RIGHT.

Timpanogus Irrigation Company:

That the waters under application to the State Engineer of the
State of Utah, number 944 A, bearing date of June 14, 1906, are
~~denominated~~ Nineteenth (19th) Class, and

That the defendant the Timpanogus Irrigation Company, under
application to the State Engineer of the State of Utah, number 944 A,
bearing date of June 14, 1906, for 7,500 acre feet of water, is entitled
to said water and water right, and is entitled to complete said appro-
priation and make final proof thereof;

And pending the time designated by the said State Engineer for
the completion of said appropriation as the same may have been or
may hereafter be extended, as long as said application is in good
standing in said State Engineer's office, the said defendant is
entitled to the said water or such portion thereof as may be available
from year to year and time to time under said application according to
its priority of right and the priority of rights fixed herein;

And upon and after the completion of said appropriation, the
said defendant is entitled to the said water or such portion thereof
as may be available from year to year and time to time under the terms
of the certificate of completion of appropriation issued by the said
State Engineer, according to the priority of right of said certificate
and the priority of rights fixed herein."

Copy sent to Judge Morse, T. G. Wing & Clerk of Court.

IN THE FOURTH JUDICIAL DISTRICT OF THE STATE OF UTAH, SITTING IN
AND FOR UTAH COUNTY.

No. 2883 civil.

Provo Reservoir Company,

a corporation, Plaintiff,)

v.s.

Provo City et al.

Defendants.)

) action to modify Proposed Findings
of Fact, Conclusions and decree.

Come now the hereinbefore named defendant(s) and move the above entitled court to modify its proposed findings of fact, conclusions of law and decree herein as follows:

1. That paragraph 109, page 72 of the Proposed Findings be amended by adding thereto the following:

" Through Midway Lower Tow Ditch.

Elizabeth Turner Hamilton, successor to the interests of the Estate of John Turner, deceased.

6.00 acres

In the N.W. 1/4 of Section 2, Township 4 South, Range 4 East, Salt Lake Meridian.

1st Class-----.100 second feet.

17th class-----.080 " "

2. That paragraph 110 page 73 be changed to read as follows:

alone . . . broken 1098 acres instead of 10.89 acres.

3. That paragraph 136 page 81 subdivision (g) be amended to read as follows:

Myrum S. Winterton, Fred Winterton and Horoni Winterton,
35 acres instead of 30 acres.

1st Class-----.584 second feet.

17th class-----.292 " "

W.H. Lee Sonner 1.0 acre instead of 6 acres.

1st Class-----.167 second feet

17th class-----.083 " "

4. That paragraph 144 page B4 of the Proposed Findings be amended to read as follows:

Joseph Hatch 20.00 situated in the N.E. 1/4 of Section 5 Township 4 South, Range 4 East Salt Lake Meridian.

1st Class-----.333 second feet.

" (Name of Hatch Irrigation Co.) (a) paragraph 105
said acreage being included in Hatch Irrigation Company acreage.

Joseph Hatch for lots 3&4, Block 78 Heber City, Utah, and 1 acres of
Land situated in the S.E. 1/4 Section 31 Township 3 South, Range 5 East
Salt Lake Meridian.

Emmet Whorritt Lot 2 in Block 94 Heber City, Utah,

all of which said Lots 3& 4 Block 78 and Lot 2 Block 94 and said
1 acre of land was included in Hatch Irrigation Company's acreage.

(See (a) paragraph 105.

To be distributed through the Hatch Canal.

E. That the proposed Decree be modified accordingly.
All of said rights aforesaid having been stipulated and agreed upon
and come within the provisions of the order of the Court dated Jan.
16th, 1971.

Wm. S. Welles
Attorney for said defendants.